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THE GENERAL STATUTES OF NORTH CAROLINA

The 1981 Replacement Volume _____ contains only those acts of the 1981 Session of the General Assembly enacted through July 10, 1981. The General Assembly reconvened in October 1981, and this 1981 Supplement to Volume 1B contains statutes within the scope of the volume enacted at that session through October 10, 1981. In addition, this supplement contains certain cross references and other information available at the time of preparation of the replacement volume.

1981 SUPPLEMENT

Annotated, under the Supervision of the Department of
Justice, by the Editorial Staff of the Publishers

Under the Direction of

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AND D. E. SELBY, JR.

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1981 Replacement

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Preface

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Judicial Department

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DIVISION OF THE GENERAL
COURT OF JUSTICE

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SUBCHAPTER III. SUPERIOR COURT DIVISION OF THE GENERAL COURT OF JUSTICE

ARTICLE 12

Clerk of Superior Court

§ 7A-101. Compensation.

The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county, as determined by the 1970 (plus a decennial year), according to the following schedule:

Population	Salary
Less than 15,000	\$ 20,019
20,000 to 25,000	27,000
30,000 to 35,000	27,500
100,000 to 150,000	30,000
200,000 and above	32,000

When a county changes from one population group to another, as a result of any future decennial census, the salary of the clerk shall be changed to the salary appropriate for the new population group as of July 1 of the first full biennial subsequent to the taking of the census (July 1, 1980; July 1, 1991), and, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office.

The clerk shall receive no fees or compensation by virtue of his office. The salary set forth in this section is the clerk's base official compensation, but if, on June 30, 1975, the salary of a particular clerk, by reason of previous but no longer authorized merit increments, is higher than that set forth in this table, that higher salary shall not be reduced during his continuance in office. (1969, c. 310, s. 1; 1987, c. 891, s. 5; 1989, c. 1160, s. 2; 1991, c. 897, s. 1, s. 1993, c.

The General Statutes of North Carolina

1981 Supplement

Volume 1B

Chapter 7A.

Judicial Department.

SUBCHAPTER III. SUPERIOR COURT DIVISION OF THE GENERAL COURT OF JUSTICE.

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SUBCHAPTER III. SUPERIOR COURT DIVISION OF THE GENERAL COURT OF JUSTICE.

ARTICLE 12.

Clerk of Superior Court.

§ 7A-101. Compensation.

The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county, as determined by the 1970 federal decennial census, according to the following schedule:

<i>Population</i>	<i>Salary</i>
Less than 19,999	\$ 20,016
20,000 to 49,999	23,664
50,000 to 99,999	27,300
100,000 to 199,999	30,936
200,000 and above	37,608

When a county changes from one population group to another as a result of any future decennial census, the salary of the clerk shall be changed to the salary appropriate for the new population group on July 1 of the first full biennium subsequent to the taking of the census (July 1, 1981; July 1, 1991; etc.), except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office.

The clerk shall receive no fees or commission by virtue of his office. The salary set forth in this section is the clerk's sole official compensation, but if, on June 30, 1975, the salary of a particular clerk, by reason of previous but no longer authorized merit increments, is higher than that set forth in the table, that higher salary shall not be reduced during his continuance in office. (1965, c. 310, s. 1; 1967, c. 691, s. 5; 1969, c. 1186, s. 3; 1971, c. 877, ss. 1, 2; 1973, c.

571, ss. 1, 2; 1975, c. 956, s. 7; 1975, 2nd Sess., c. 983, s. 11; 1977, c. 802, s. 42; 1977, 2nd Sess., c. 1136, s. 13; 1979, c. 838, s. 85; 1979, 2nd Sess., c. 1137, s. 12; 1981, c. 964, s. 14; c. 1127, s. 12.)

Effect of Amendments. —

The 1981 amendment, effective January 1, 1982, increased the salaries in the table at the end of the first paragraph to their present levels

from \$19,056, \$22,536, \$25,992, \$29,460, and \$35,808 respectively.

Session Laws 1981, c. 1127, s. 89, contains a severability clause.

§ 7A-109.1. List of prisoners furnished to judges.

Cross References. — As to jailers' reports of jailed defendants, see § 153A-229.

SUBCHAPTER IV. DISTRICT COURT DIVISION OF THE GENERAL COURT OF JUSTICE.

ARTICLE 13.

Creation and Organization of the District Court Division.

§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Editor's Note. —

Session Laws 1981, c. 964, s. 4(b) as amended by Session Laws 1981, c. 997, s. 1, provides: "The four current district court judges allocated to the seventeenth judicial district are to serve in both judicial districts 17A and 17B until the first Monday in December, 1982. In 1982 and quadrennially thereafter, two district judges shall be elected in judicial district 17A for

four-year terms, with filing in accordance with G.S. 163-106(d). In 1982 two district judges shall be elected in judicial district 17B for four-year terms, with filing for the two seats to be at-large and without designation of vacancy; and in 1986 and quadrennially thereafter, two district judges shall be elected in judicial district 17B for four-year terms, with filing in accordance with G.S. 163-106(d)."

ARTICLE 16.

Magistrates.

§ 7A-171.1. Duty hours and salary.

The Administrative Officer of the Courts, after consultation with the chief district judge and pursuant to the following provisions, shall set an annual salary for each magistrate.

- (1) A full-time magistrate, so designated by the Administrative Officer of the Courts, shall be paid the annual salary indicated in the table below according to the number of years he has served as a magistrate. The salary steps shall take effect on the anniversary of the date the magistrate was originally appointed:

Table of Salaries of Full-Time Magistrates

<i>Number of prior years of service</i>	<i>Annual salary</i>
Less than 1	\$ 9,936
1 or more but less than 3	10,800
3 or more but less than 5	11,796
5 or more but less than 7	12,864
7 or more but less than 9	14,052
9 or more	15,372

A "Full-time magistrate" is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office.

Notwithstanding any other provision of this subdivision, a full-time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full-time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordance with the schedule in the table above.

- (2) A part-time magistrate, so designated by the Administrative Officer of the Courts, shall receive an annual salary based on the following formula: The average number of hours a week that a part-time magistrate is assigned work during his term shall be multiplied by the annual salary payable to a full-time magistrate who has the same number of years of service prior to the beginning of that term as does the part-time magistrate and the product of that multiplication shall be divided by the number 40. The quotient shall be the annual salary payable to that part-time magistrate.

A "part-time magistrate" is a magistrate who is assigned to work an average of less than 40 hours of work a week during his term. No magistrate may be assigned an average of less than 10 hours of work a week during his term.

Notwithstanding any other provision of this subdivision, upon reappointment as a magistrate and being assigned to work the same or greater number of hours as he worked as a magistrate for a term of office ending on December 31, 1978, a person who received an annual salary in excess of that to which he would be entitled under the formula contained in this subdivision shall receive an annual salary equal to that received during the prior term. That magistrate's salary shall increase in accordance with the salary formula contained in this subdivision.

- (3) Notwithstanding any other provision of this section, a beginning full-time magistrate with a two-year Associate in Applied Science degree in criminal justice or paralegal training from a North Carolina community college or technical institute or the equivalent degree from a private educational institution in North Carolina, may be initially employed at the annual salary provided in the table above for a magistrate with "3 or more but less than 5" years of service; a beginning full-time magistrate with a four-year degree from an accredited senior institution of higher education may be initially employed at the annual salary provided in the table above for a magistrate with "5 or more but less than 7" years of service; a beginning full-time magistrate who holds a law degree from an accredited law school may be employed at the annual salary provided

in the table for a magistrate with "7 or more but less than 9" years of service; and a beginning full-time magistrate who is licensed to practice law in North Carolina may be initially employed at the annual salary provided in the table for a magistrate with "9 or more" years of service. Seniority increments for a magistrate with a two or four-year degree or a law degree described herein accrue thereafter at two-year intervals, as provided in the table.

Magistrates with a two or four-year degree or a law degree described herein who became magistrates before July 1, 1979 are entitled to an increase of three, five and seven years, respectively, in their seniority, for pay purposes only. Full-time magistrates licensed to practice law in North Carolina who became magistrates before July 1, 1979 are entitled to the pay of a magistrate with 9 or more years of service, and part-time magistrates holding a law degree or a license to practice law as described above who became magistrates before July 1, 1979 are entitled to a proportionate adjustment in their pay. Pay increases authorized by this subdivision are not retroactive. (1977, c. 945, s. 5; 1979, c. 838, s. 84; c. 991; 1979, 2nd Sess., c. 1137, s. 11; 1981, c. 914, s. 1; c. 1127, p. 11.)

Effect of Amendments. —

Session Laws 1981, c. 1127, s. 89, contains a

The 1981 amendment, effective January 1, 1982, increased all salaries in subdivision (1). severability clause.

SUBCHAPTER XI. NORTH CAROLINA JUVENILE CODE.

ARTICLE 44.

Screening of Abuse and Neglect Complaints.

§ 7A-543. Duty to report child abuse or neglect.

Cross References. —

As to the duty of school personnel to report child abuse, see § 115C-400.

Chapter 14.

Criminal Law.

SUBCHAPTER VI. CRIMINAL TRESPASS.

Article 22.

Trespasses to Land and Fixtures.

Sec.

14-139. [Repealed.]

SUBCHAPTER VI. CRIMINAL TRESPASS.

ARTICLE 22.

Trespasses to Land and Fixtures.

§ 14-139: Repealed by Session Laws 1981, c. 1100, s. 1.

Cross References. — For present statute regulating open fires, see § 113-60.21 et seq.

SUBCHAPTER VIII. OFFENSES AGAINST PUBLIC JUSTICE.

ARTICLE 31.

Misconduct in Public Office.

§ 14-234. **Director of public trust contracting for his own benefit; participation in business transaction involving public funds; exemptions.**

Cross References. — As to liability of board of education members, see § 115C-48.

§ 14-235. **Speculating in claims against towns, cities and the State.**

Cross References. — As to liability of board of education members, see § 115C-48.

§ 14-236. **Acting as agent for those furnishing supplies for schools and other State institutions.**

Cross References. — As to liability of board of education members, see § 115C-48. As to applicability to community colleges and technical institutes, see § 115D-26.

§ 14-237. Buying school supplies from interested officer.

Cross References. — As to liability of board of education members, see § 115C-48.

SUBCHAPTER X. OFFENSES AGAINST THE PUBLIC SAFETY.

ARTICLE 36A.

Riots and Civil Disorders.

§ 14-288.1. Definitions.

Cross References. — As to the Governor and delivery of alcoholic beverages during a ordering a cessation of all sales, manufacture, state of emergency, see § 18B-110.

SUBCHAPTER XI. GENERAL POLICE REGULATIONS.

ARTICLE 37.

Lotteries and Gaming.

§ 14-292.1. Bingo and raffles.

Cross References. — As to the sale or consumption of alcoholic beverages prohibited during a raffle or bingo game, see § 18B-308. the second sentence of subsection (l), have been repealed. For the provision concerning the sale and consumption of alcoholic beverages at raffle or bingo games, see now § 18B-308.

Editor's Note. —

Sections 18A-30 and 18A-35, referred to in

STATE OF NORTH CAROLINA

DEPARTMENT OF JUSTICE

Raleigh, North Carolina

October 15, 1981

I, Rufus L. Edmisten, Attorney General of North Carolina, do hereby certify that the foregoing 1981 Supplement to the General Statutes of North Carolina was prepared and published by The Michie Company under the supervision of the Department of Justice of the State of North Carolina.

RUFUS L. EDMISTEN

Attorney General of North Carolina

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